

FILED

MAY 29 2019

Clerk, U S District Court
District Of Montana
Billings

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**WILFRIDO VARELAS-RUBIO,
STEVEN WILLIAM AMUNDSON,
and GARY HOLLISTER
AINSWORTH,**

Defendants.

CR 18-88-BLG-SPW

**PRELIMINARY ORDER OF
FORFEITURE**

WHEREAS, in the indictment in the above case, the United States sought forfeiture of any property of the above-captioned person, pursuant to 21 U.S.C. § 853, as property used or intended to be used to facilitate the violations alleged in the indictment, or as proceeds of said violations;

AND WHEREAS, on October 9, 2018, the defendant Varelas-Rubio entered a plea of guilty to count II of the indictment charging possession with intent to distribute methamphetamine;

AND WHEREAS, on October 26, 2018, the defendant Amundson entered a plea of guilty to count II of the indictment charging possession with intent to distribute methamphetamine;

AND WHEREAS, on April 11, 2019, the defendant Ainsworth entered pleas of guilty to count II of the indictment charging possession with intent to distribute methamphetamine; and to count III of the indictment charging possession of a firearm in furtherance of a drug trafficking crime;

AND WHEREAS, all defendants pled true to the forfeiture allegation that stated that as a result of the offenses charged in the indictment, the defendants shall forfeit:

- \$6,900.00 in United States currency; and
- firearms.

AND WHEREAS, by virtue of said guilty pleas, the United States is now entitled to possession of the property, pursuant to 21 U.S.C. § 841(a)(1), 21 U.S.C. § 853, and Rule 32.2(b)(2), Federal Rules of Criminal Procedure.

ACCORDINGLY, IT IS ORDERED:

1. That based upon the pleas of guilty by defendant Varelas-Rubio to count II, by defendant Amundson to count II, and defendant Ainsworth to counts II and III contained in the indictment, and the pleas of true to the forfeiture allegation, the United States is authorized and ordered to seize the following property. This property is forfeited to the United States for disposition in accordance with the law, subject to the provisions of to 21 U.S.C. § 853(n)(1):

- \$6,900.00 in United States currency;
- a Remington, model 870 Magnum, 12-gauge, pump-action shotgun (S/N: RS31888T); and
- a Taurus, model PT111 G2, 9mm, semi-automatic pistol (S/N: TJN01557).

2. That the aforementioned forfeited property is to be held by the United States in its secure custody and control.

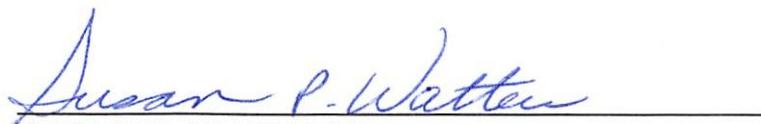
3. That, pursuant to 21 U.S.C. § 853(n)(1), the United States forthwith shall publish at least once for three successive weeks in a suitable means of general circulation notice of this order, notice of the United States' intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the above-listed forfeited property must file a petition with the Court within thirty (30) days

of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

The United States may also, to the extent practical, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the preliminary order of forfeiture, as a substitute for published notice as to those persons so notified.

4. That upon adjudication of all third-party interests, this Court will enter a final order of forfeiture, pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

DATED this 29th day of May, 2019.



SUSAN P. WATTERS
UNITED STATES DISTRICT JUDGE